

**Application No. 09/839342**  
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**Amendment**  
**Attorney Docket No. E14.2B-9321-US01**

**Remarks**

**Rejections**

**35 U.S.C. §112, first paragraph**

Claims 21-27 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It is asserted in the Office Action that the negative limitation which excludes laundry and dishwashing is not supported by the disclosure. It is further asserted that the amendment requiring the rinse solution and the wash solution, which is different from the pre-rinse solution is not supported by the original disclosure.

Applicants have amended claim 21 to remove the statements which are objected to in order to expedite prosecution of this application. However, Applicants submit that this is not an admission that Applicants agree with the rejection.

Applicants respectfully request withdrawal of the rejection of claims 21-27 under 35 U.S.C. §112, first paragraph.

**35 U.S.C. §103(a)**

Claims 21-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chun et al. (US Patent No. 5,133,892) in view of Hemm et al. (US Patent No. 6,180,578), Haley et al. (US Patent No. 5,575,864) and Haley et al. (US Patent NO. 5,837,065). The Office Action asserts that Chun et al. teach a detergent for use in dishwashing (col. 7, lines 5-20 and col. 9, lines 55-65). The Office Action further asserts that Hemm et al. and Haley et al. teach that it was conventional to use the same cleaning agents for dishwashing, laundry and hard surface cleaning (col. 1, line 61-col. 2, line 17 of Hemm et al.; col. 2, lines 45-61 of Haley et al. '065 and col. 2, lines 51-67 of Haley et al. '864).

The Office Action asserts that it would have been obvious to an ordinary artisan at the time the invention was made to use the compositions of Chun et al. for hard surface cleaning with reasonable expectation of adequate results because Hemm et al. and Haley et al. teach that it was conventional to sue the same cleaning agents for dishwashing and hard surface cleaning.

Applicants have amended claim 21. Claim 21 is now directed to a clean-in-place system for dairy operations. Neither Chun et al., Hemm et al. or Haley et al. ('864 and '065) describe the use of a pre-rinse having a partially neutralized anionic polymer for use in clean-in-

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place systems for dairy operations as recited in claim 21 as amended.

Applicants have determined that the addition of a partially neutralized anionic polymer to a pre-rinse composition substantially increases the removal of solids that can be removed during a cleaning process for a dairy operation. Example 1, beginning on page 12 of the present specification, illustrates this.

Example 1 compares a standard water pre-rinse with *no additive*, an acid flush, an acid wash and a water post-rinse for cleaning a permeate evaporator to remove whey and whey components to a process employing a pre-rinse according to the invention, the pre-rinse *having additive*, an acid flush, an acid wash and a water post-rinse.

The amount of solids, on a % weight basis, was measured after the finisher during pre-rinse with water and no additive, and with a solution of water with the pre-rinse additive of the present invention. The finisher is the final stage of the whey evaporator. The effluent flowing out of the finisher is the total soil load as it is removed during the pre-rinse. This is in contrast with the hicon which is the high concentration stage prior to the finisher.

As can be seen from the table, using the pre-rinse almost doubled the amount of solids removed from the finisher, 39.2% with additive, as opposed to 23.5% without additive (see Table 1, first row).

Examples 2-3, beginning on page 15 of the present specification, also illustrate the improvement in the removal of whey and whey products. Solution B made according to the invention, was compared to two industry standards, solutions A and C. As can be seen on page 17 of the present specification, solution B removed the most whey and whey products from stainless steel panels.

An affidavit by Richard Ruhr, a coinventor of the subject matter described and claimed in the above-referenced patent application, is being submitted concurrently herewith. In that affidavit, several industry standard cleaning compositions are described.

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**CONCLUSION**

Claims 21-27 are pending in the application. Applicants have addressed each of the issues presented in the Office Action. Applicants respectfully request reconsideration and an early allowance of the claims as presented. Should any issues remain, the attorney of record may be reached at (952)563-3011 to expedite prosecution of this application.

Respectfully submitted,

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